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REMARKS

Claims 1-75 are pending with claims 1, 3, 5-7, 9-10, 12-14, 16, 18-20, 22-23, 27, 29, 31-33, 35-36, 38-39, and 40-75 being amended to clarify the claimed subject matter. No new matter has been added. Reconsideration and allowance of the above-referenced application are respectfully requested in view of the following remarks.

Status of the Claims

It is respectfully noted that claims 76-111 have not been canceled, but have been withdrawn from consideration; contrary to the statement on page 2 of the official action. 37 C.F.R. 1.142(b) (non-elected claims withdrawn unless stated otherwise).

Objections to the Specification - Claims 43, 55 and 67

Claims 43, 55 and 67 have been objected to because the term "the extracted target group" allegedly lacks antecedent basis. This objection is traversed.

As amended, "the extracted target group" is no longer in the claims. Thus, this objection is moot.

Objections to the Specification - Claims 5, 18, 31, 44, 56 and 68

Claims 5, 18, 31, 44, 56 and 68 are objected to because it is allegedly unclear what constitutes the "enterprise resource planning system" as the specification allegedly "does not specifically specify that it is a proprietary system, [such that] it is construed as any planning system a company might have for purpose of prior art rejection in this office action. " This objection is traversed.

As an initial matter, it is noted that no legal grounds for an objection have been given. Consequently, the objection should be withdrawn because it is not believed to be grounded in law and insufficient notice was given to constitute a proper objection. As stated in 35 U.S.C. section 132:

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“(a) Whenever, on examination, any claim for a patent is rejected, or any objection or requirement made, the Director shall notify the applicant thereof, stating the reasons for such rejection, or objection or requirement.”

Further, this objection must be withdrawn because the term “enterprise resource planning” (“ERP”) is clear, as it is a term that would have been understood to one of ordinary skill in the art such that the term does not necessarily imply any planning system. In support of these positions, evidence is submitted of web pages that offer an explanation of ERP systems (<http://www.erpfans.com/erpfans/erpdefinition/erp008.html>; http://en.wikipedia.org/wiki/Enterprise_resource_planning); and a web page that describes a history of planning systems, including planning systems that are not ERP (<http://www.erpfans.com/erpfans/erpdefinition/erp007.html>). This information is not necessarily comprehensive or entirely accurate of the understanding of an ERP system in the art, but rather such evidence acknowledges an understanding of an ERP system existed that would have been clear to one of ordinary skill in the art. Thus, the objection should be withdrawn.

Rejections of Claims under 35 U.S.C. §§ 102(e), 103(a)

Claims 1-4, 6-17, 19-30, 32-43, 45-55, 57-67 and 69-75 are rejected under 35 U.S.C. section 102(e) as allegedly being anticipated by Olivier (U.S. Pat. No. 6,480,885). Claims 1, 14, 27, 40, 52 and 64 are rejected under 35 U.S.C. 102(e) as allegedly being anticipated by Kanevsky et al. (U.S. PG. Pub. 20030088463). Claims 5, 18, 31, 44, 56 and 68 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kanevsky, as applied to claim 1. These rejections are traversed.

Rejections under § 102(e)

The independent claims, as amended, are not anticipated by Olivier or Kanevsky because they contain features not disclosed in either references. The independent claims include features directed to: “receiving user input specifying criteria of association with a dynamic target group,” and “identifying individuals of the dynamic target group by searching ...data sources ... wherein a scope of the search performed includes at least one data source other than profiles associated with a defined recipient list.” Claim 1 (emphasis added). In some implementations,

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these features include a user specifying types of people to which an e-mail should be addressed, searching profiles of people in a human resource system to identify a dynamic target group, and e-mailing the dynamic target group. ¶¶ 12, 54, 66-67.

Olivier

Olivier discloses storing a recipient list including matching subscribers, filtering the recipient list to match criteria, and distributing a message to matching users. Abstract. Olivier's disclosure is limited to searching subscribers of a mailing list, which is a defined recipient list. *See e.g.*, FIG. 2 (message sent to subset of subscript list (220) or all in the subscription list (238)); FIGS. 5A-5B (matches calculated between subscribers (448, 474-488)); FIG. 6 (query to determine subscriber matches (496)); FIGS. 8-9 (messages sent to subscription list "neighbors@local2me.com").

In contrast to the claimed subject matter, Olivier does not disclose a search having a scope other than "profiles associated with a defined recipient list," as Olivier is limited to searching a subscription list. Claim 1; discussion above. The search of Olivier may be limiting because users must actively subscribe before they could be searched. Advantageously, the feature of the claimed subject matter directed to having a search scope of sources other than a defined recipient list may, in some implementations, allow searches to include profiles of users who have not subscribed to any mailing lists and who should be included (e.g., new employees who have not actively signed up to subscription lists). Similarly, in some implementations, users who may have left a company may no longer be included in a dynamic target group with such a scope, whereas, if they were on a subscription list they might be included if the list has not been updated (e.g., users who have had changed jobs or had a life change). As another advantage, subscription lists need not be created and profiles already available in an enterprise can be used. For example, employee profiles in a human resources database can be used.

Thus, Olivier does not disclose a feature of the independent claims and the rejection of these claims should be withdrawn.

Kanevsky

Kanevsky discloses group advertisement optimization. Title. In one example, advertisements are optimized by obtaining information about a group of people (e.g., transaction

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information or physical aspects), common elements of the group are extracted, classes of products are related to classes of customers, and an optimizer ranks advertisement and links people in a same location. FIG. 6.

In contrast to Kanevsky, the claimed subject matter discloses "receiving user input specifying criteria of association with a dynamic target group by defining one or more attributes of a communication group." Claim 1. In some implementations, a user of an enterprise system can send e-mail to types of employees. In Kanevsky, user input does not specify criteria of association with a dynamic target group. Using the disclosure of Kanevsky, a user of an enterprise desiring to send an e-mail to others in the enterprise might not benefit by having an automated method of obtaining information about people and sending group-optimized advertisements.

Thus, Kanevsky does not disclose features of the independent claims and the rejection of these claims should be withdrawn.

Rejections under § 103(a)

At the minimum, for a prima facie case of unpatentability under 35 U.S.C. § 103, the cited prior art must teach or suggest all the claim features. MPEP 2142. The independent claims are patentable because the cited references fail to disclose features of the claimed subject matter.

Claims 5, 18, 31, 44, 56 and 68 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kanevsky in view of claim 1. However, as discussed above, amended claim 1 and Kanevsky do not disclose features of the independent claims. Thus, for at least the reasons discussed above, this rejection should be withdrawn.

Dependent claims 2-13, 15-26, 28-39, 41-51, 53-64, and 65-75 depend, directly or indirectly, on independent claims 1, 14, 27, 40, 52, and 64. Because the independent claims are allowable, these claims are allowable for at least the reasons stated above.

Conclusion

In view of the above amendments and remarks, therefore, all of the claims should be in condition for allowance. A formal notice to that effect is respectfully requested.

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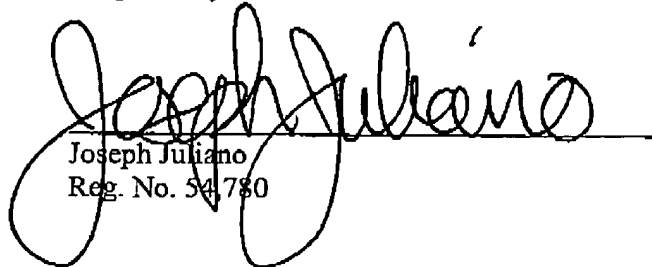
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It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Applicant asks that all claims be allowed. Please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: 11/21/2005


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